



Public Notice

Applicant:
R.W. Sidley, Inc.

Date:
Published: September 23, 2004
Expires: October 22, 2004

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District **CELRB-TD-R RE:** 1999-02093(1) **Section:** OH 404

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

R.W. Sidley, Inc., 436 Casement Ave, Paineville, Ohio 44077, has applied for a Department of the Army Permit for authorization to work and place fill in waters of the United States in connection with the construction of a residential subdivision. The project site is located west of State Route 528 in the Village of Madison, Lake County, Ohio.

Department of the Army authorization is required to permanently impact 2.2 acres of Federal wetlands and 3,523 linear feet of stream. In addition, the applicant proposes to temporarily impact 0.26 acres of Federal wetland.

As mitigation for adverse aquatic resource impacts, the applicant has proposed to place a conservation easement on the remaining 1,413 linear feet of stream with a 25 foot wide buffer and create 4.40 acres of wetland off-site at the Thompson Wetlands.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Scott L. Schlueter, who can be contacted by calling (716) 879-4325, or by e-mail at: scott.l.schlueter@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.

Based on preliminary findings, there do not appear to be any properties listed in, or eligible for listing in, the National Register of Historic Places within the permit area as shown on Sheet 1 of 5. This notice constitutes initiation of consultation with the Ohio Historic Preservation Office (SHPO) per Section 106 of the National Historic Preservation Act. All currently available historic resource information pertaining to this proposed project if any has been provided to the SHPO. Additional information concerning historic properties should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward that

information to the SHPO for their review.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, and should be marked to the attention of Scott L. Schlueter, or by e-mail at: scott.l.schlueter@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the

preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SIGNED

Thomas C. Switala
Chief, Regulatory Branch

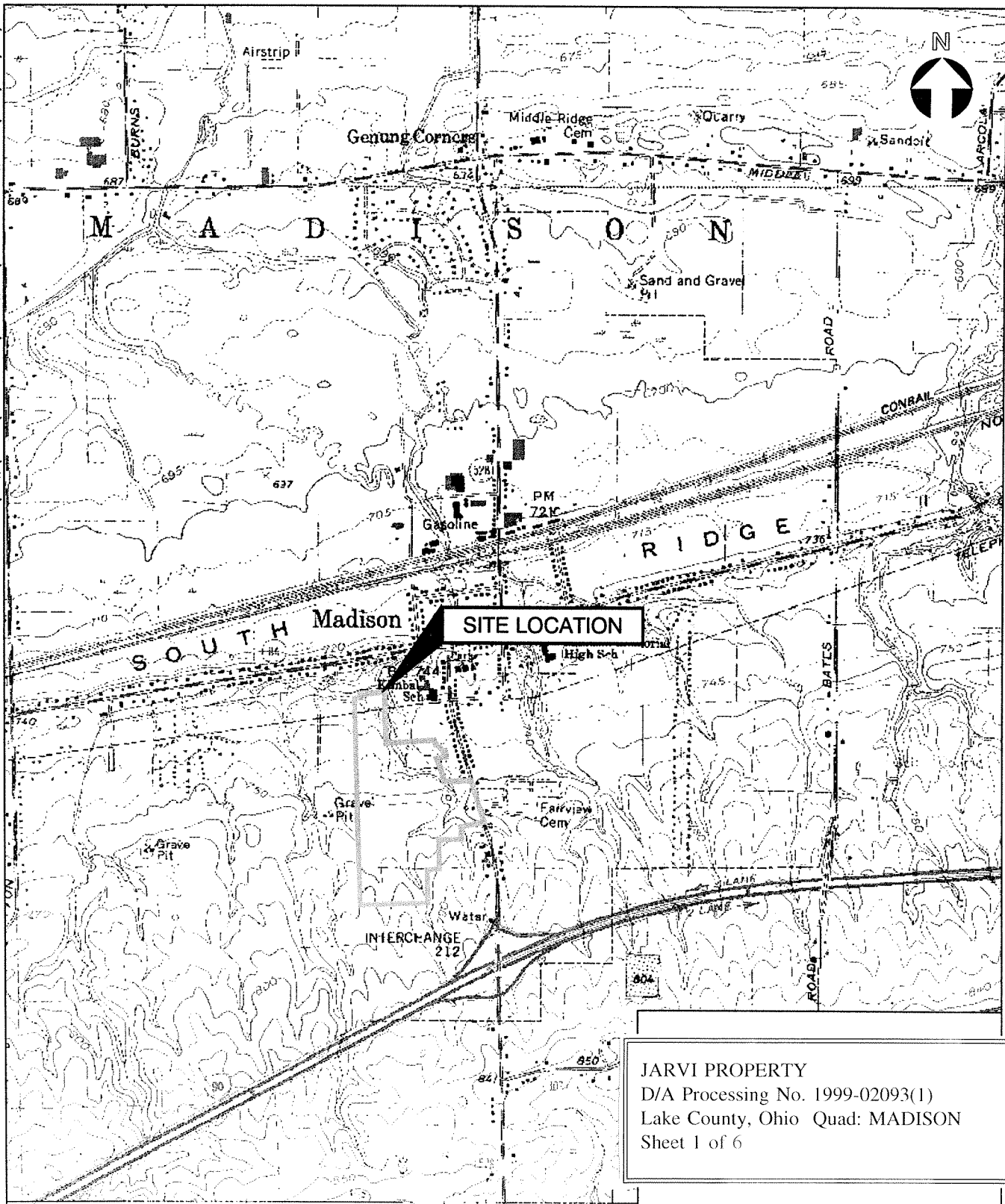
NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

TOPOGRAPHIC MAP

UNITED STATES GEOLOGICAL SURVEY

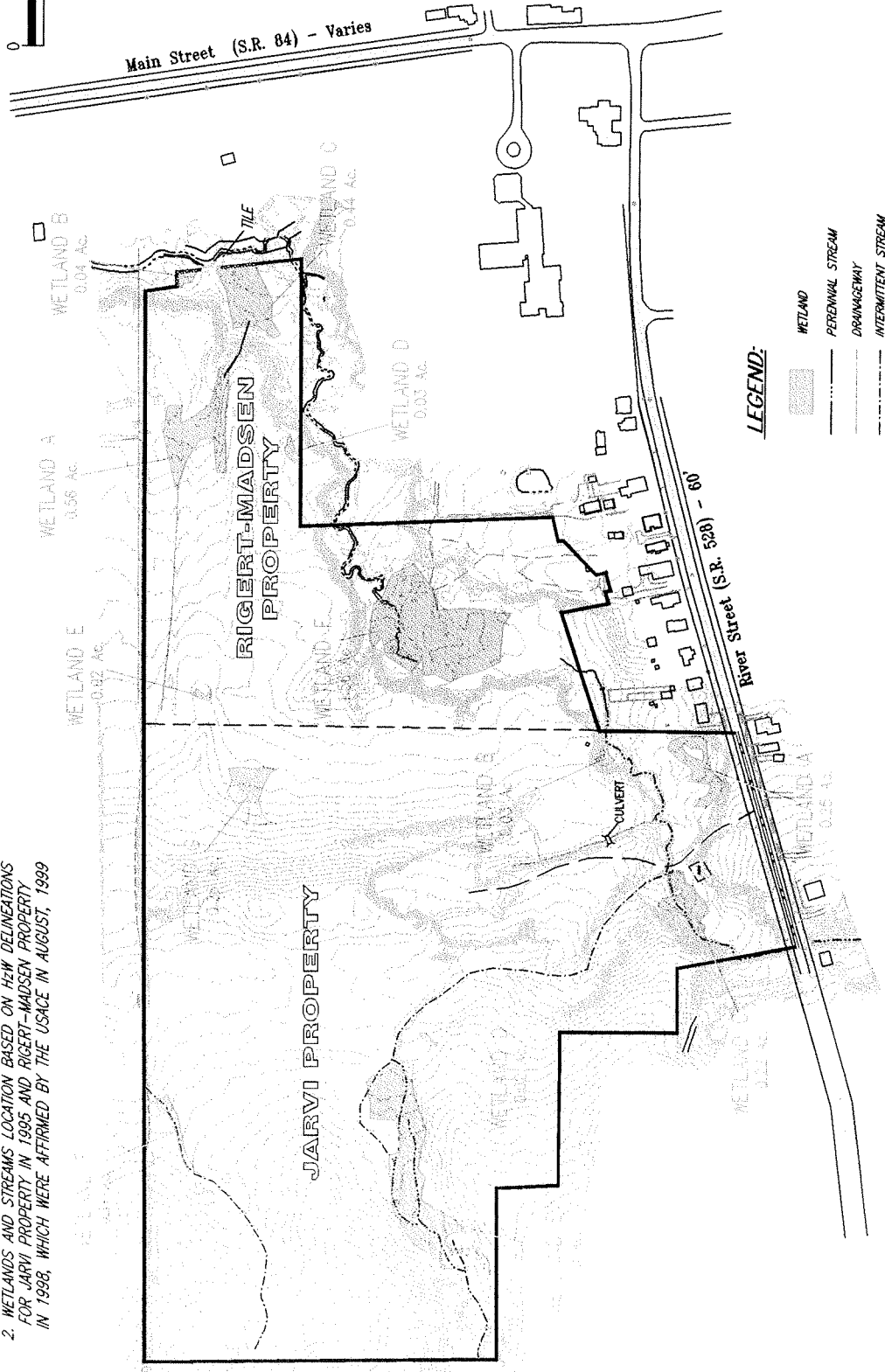
1960 (PHOTOREVISED 1984) MADISON, OHIO

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NOTE: 1. BASE MAPPING PROVIDED BY FORESIGHT ENGINEERING GROUP
2. WETLANDS AND STREAMS LOCATION BASED ON H&W DELINEATIONS FOR JARVI PROPERTY IN 1995 AND RIGERT-MADSEN PROPERTY IN 1998, WHICH WERE AFFIRMED BY THE USACE IN AUGUST, 1999



- LEGEND:**
- WETLAND
 - PERENNIAL STREAM
 - DRAINAGEWAY
 - INTERMITTENT STREAM

Sheet 2 of 4
Wetland Location Map
R. W. Sidley
Jarvi/Rigert-Madsen Property
Lake County, Ohio
Permit No.

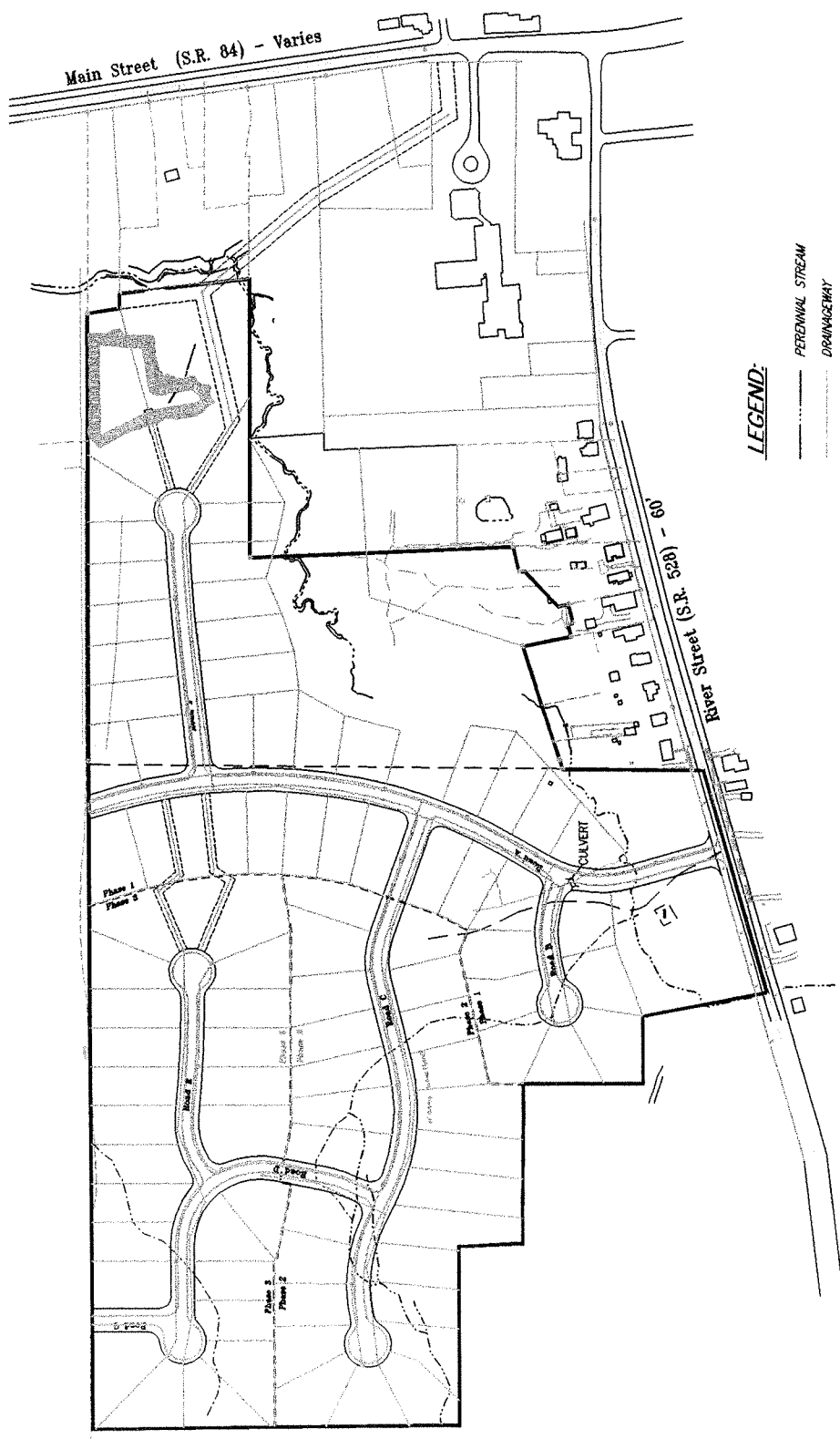
H&W ENVIRONMENTAL
CONSULTANTS LLC
6105 Heisley Rd. • Mentor, OH 44060
440-357-1260 • Fax 440-357-1510



JARVI PROPERTY
D/A Processing No. 1999-02093(1)
Lake County, Ohio Quad: MADISON
Sheet 2 of 6



NOTE: 1. BASE MAPPING PROVIDED BY FORESIGHT ENGINEERING GROUP
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LEGEND:
 PERENNIAL STREAM
 DRAINAGEWAY
 INTERMITTENT STREAM

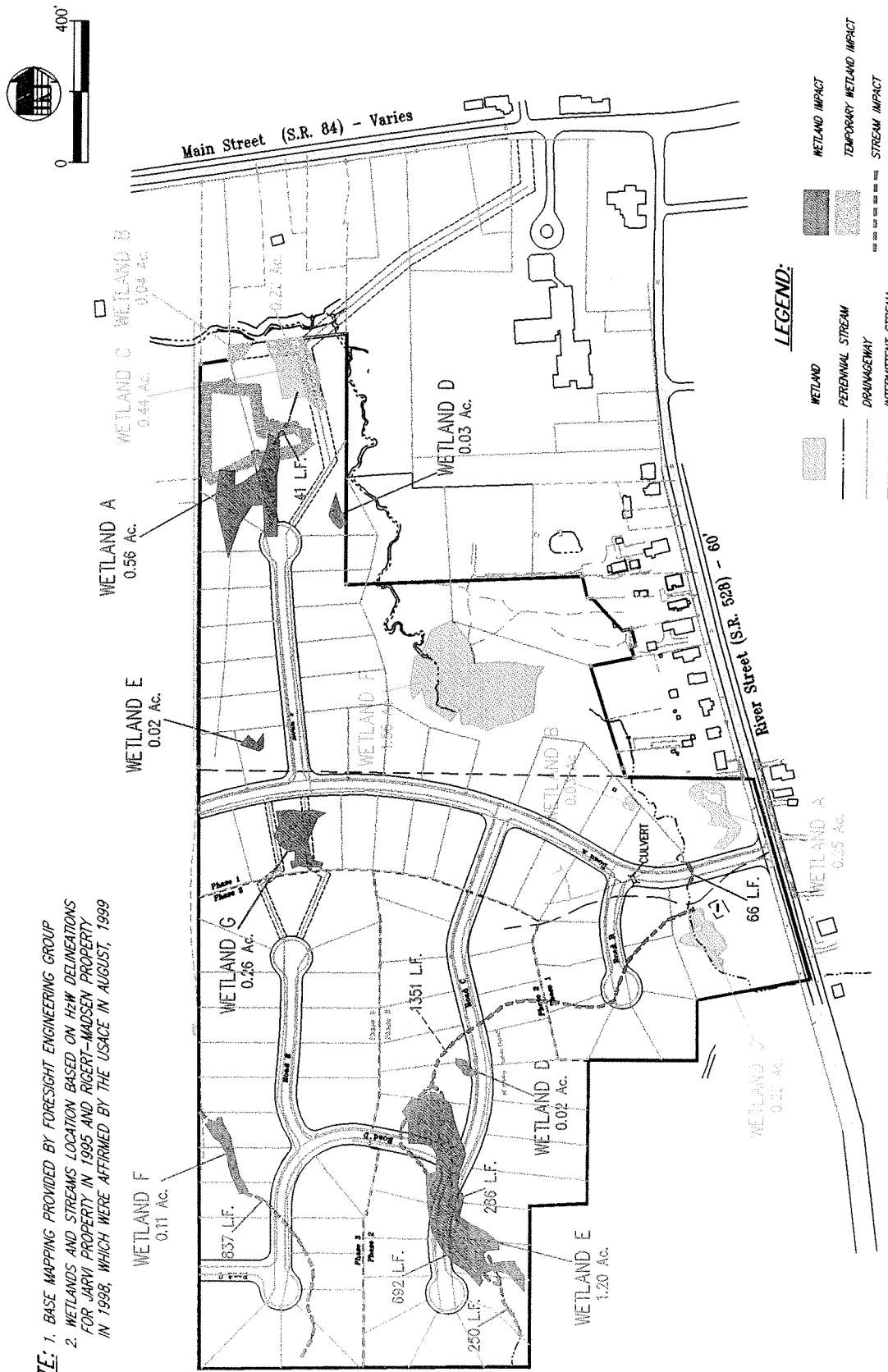
Sheet 3 of 4
 Proposed Site Improvement Plan
 R. W. Sidley
 Jarvi/Rigert-Madsen Property
 Lake County, Ohio
 Permit No.

JARVI PROPERTY
 D/A Processing No. 1999-02093(1)
 Lake County, Ohio Quad: MADISON
 Sheet 3 of 6

H&W ENVIRONMENTAL
 CLEVELAND, OH
 6105 Heisley Rd. • Mentor, OH 44060
 440-357-1280 • Fax 440-357-1510



NOTE: 1. BASE MAPPING PROVIDED BY FORESIGHT ENGINEERING GROUP
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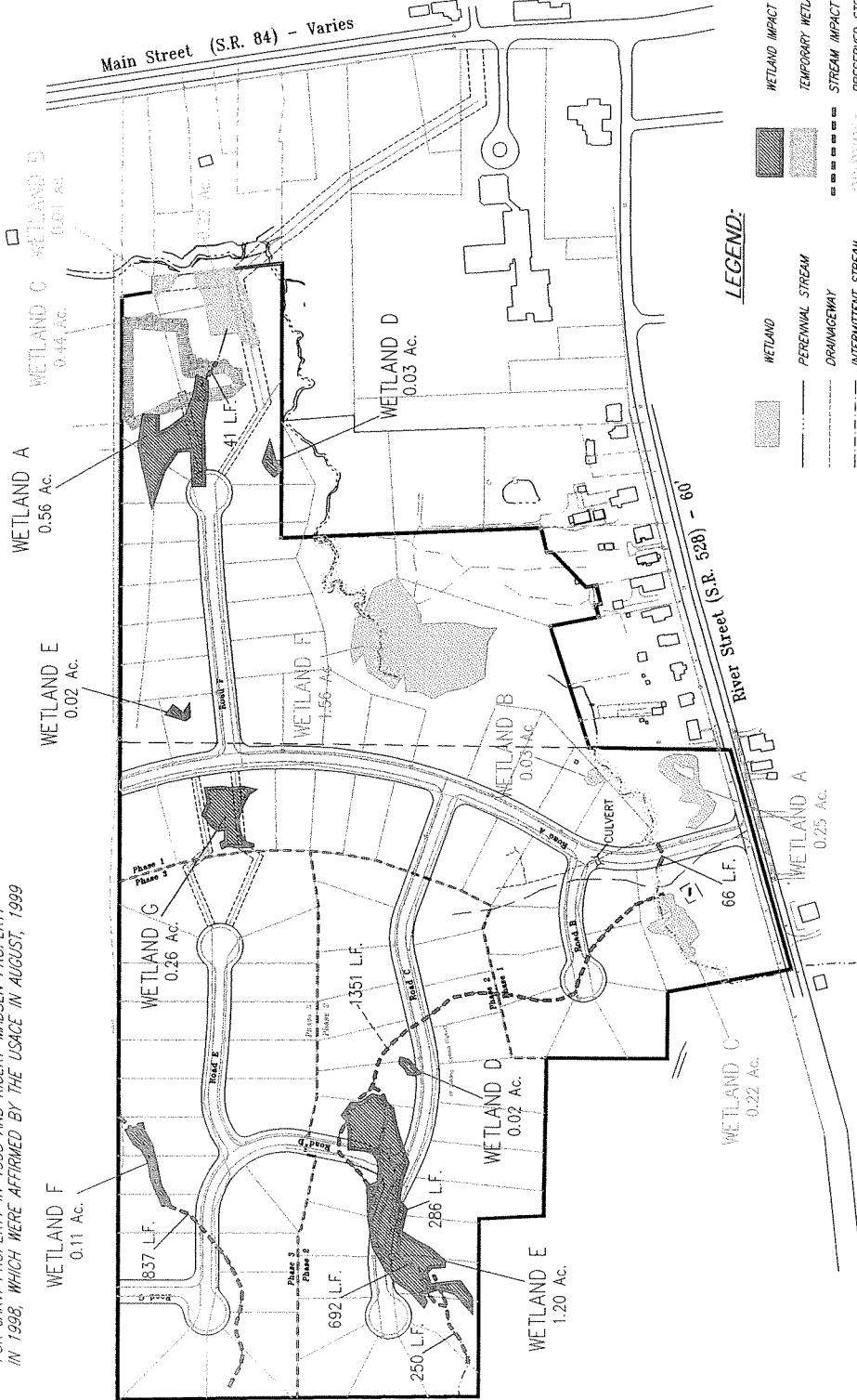
Sheet 4 of 4
Site Plan Showing Wetland and Stream Impacts
R. W. Sidley
Jarvi/Rigert-Madsen Property
Lake County, Ohio
Permit No.

JARVI PROPERTY
D/A Processing No. 1999-02093(1)
Lake County, Ohio Quad: MADISON
Sheet 4 of 6

H&W ENVIRONMENTAL
CONSULTANTS LLC
6105 Heisley Rd. • Mentor, OH 44060
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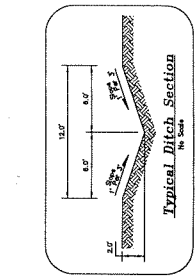
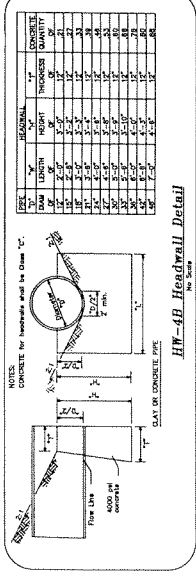
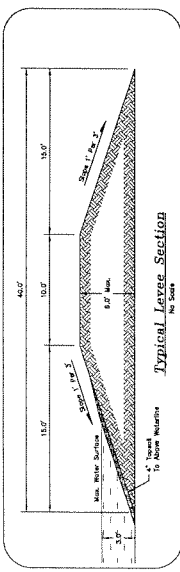
LEGEND:

HAZV ENVIRONMENTAL
CONSULTANTS, LLC

6105 Heisley Rd. ■ Mentor, OH 44060
440-357-1260 ■ Fax 440-357-1510

REVISED
SEPTEMBER, 2004

JARVI PROPERTY
D/A Processing No. 1999-02093(1)
Lake County, Ohio Quad: MADISON
Sheet 5 of 6



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D/A Processing No. 1999-02093(1)
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Sheet 6 of 6